

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
17 CVD 1357

NICHOLAS MINACAPELLI, A MINOR
BY AND THROUGH HIS GUARDIAN
AD LITEM, TAMMIE MINACAPELLI

Plaintiffs,

vs.

CUMBERLAND COUNTY BOARD
OF EDUCATION,

Defendant.

**ORDER APPROVING MINOR
SETTLEMENT**

2017 SEP 25 AM 8:56

THIS CAUSE, coming to be heard and being heard on the 25 day of September, 2017, before the undersigned Judge presiding over the Superior Court of Cumberland County, North Carolina, the minor Plaintiff, Nicholas Minacapelli, and his *Guardian ad Litem*, Tammie Minacapelli, being represented by C. BRUCE ARMSTRONG and the Defendant being represented by MARY M. WEBB; and

IT APPEARING to the Court that Tammie Minacapelli is the duly appointed *Guardian ad Litem* for the minor Plaintiff, Nicholas Minacapelli, and has brought this action under the provisions of North Carolina law for damages to the minor; and

IT APPEARING to the Court that this is an action for personal injuries incurred as the result of an incident which occurred on or about January 7, 2015 at Gray's Creek Middle School in Fayetteville, North Carolina, where the minor Plaintiff was a student, in which minor Plaintiff sustained some injury, that the liability of said Defendant, if any, is in doubt; that the Plaintiffs desire to settle and the parties have agreed to forever compromise and settle claims for the amount of ONE HUNDRED TWENTY-TWO THOUSAND FOUR HUNDRED SEVENTY-TWO and 14/100 DOLLARS (\$122,472.14), and payment be made as follows:

1. Defendant shall pay the TOTAL sum of ONE HUNDRED TWENTY-TWO THOUSAND FOUR HUNDRED SEVENTY-TWO and 14/100 DOLLARS (\$122,472.14) to be paid to the Trust Account of Armstrong & Barrington, PLLC and disbursed as follows:

- a. The sum of \$30,618.00 payable to Armstrong & Barrington, PLLC for valuable legal services (1/4 attorney fees) rendered to the Plaintiffs.
- b. The sum of \$52.00 payable to Armstrong & Barrington, PLLC for reimbursement of costs.
- c. The sum of \$1,227.12 payable to Fayetteville Orthopaedic & Sports Medicine for

- reimbursement of medical expenses for minor plaintiff;
- d. The sum of \$59.66 payable to Fayetteville Ambulatory Surgery Center for reimbursement of medical expenses for minor plaintiff;
 - e. The sum of \$22.31 payable to Fayetteville Anesthesia for reimbursement of medical expenses for minor plaintiff.
 - f. The sum of \$316.00 payable to Zynex for reimbursement of the Nexwave machine for minor plaintiff.
 - g. The sum of \$2,453.00 payable to Mr. and Mrs. Minacapelli for reimbursement of medical expenses incurred on behalf of the minor Plaintiff.
 - h. The sum of \$ 87,724.05 to be paid into the Office of the Clerk of Superior Court of Cumberland County to be held in trust for the benefit of the minor Plaintiff.

2. That the terms and conditions of the compromise settlement are more fully defined and set out in the *Settlement Agreement and Release*, which is attached hereto and incorporated herein by reference as if fully set forth, and sets out the rights and obligations of each of the respective parties with regard to said payments; and

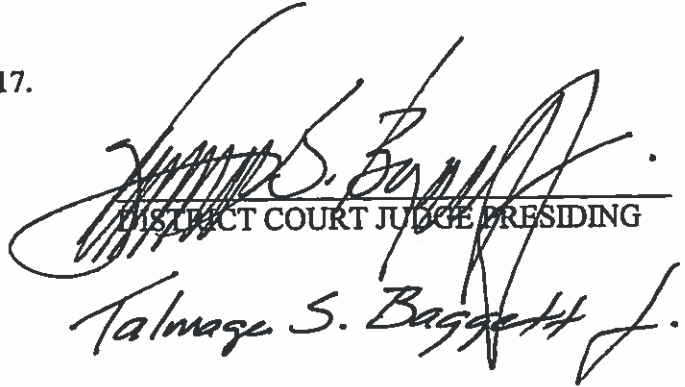
3. The Court, finding that said settlement is fair and reasonable, and that it is in the best interest of the minor Plaintiff and his *Guardian ad Litem* to accept said sum of settlement as herein above prescribed; and the Court sanctioning and approving said settlement.

4. This matter is hereby dismissed with prejudice.

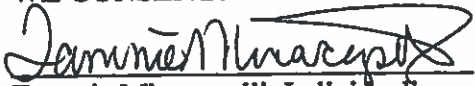
NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Plaintiffs have and recover of the Defendant the total sum of ONE HUNDRED TWENTY-TWO THOUSAND FOUR HUNDRED SEVENTY-TWO and 14/100 DOLLARS (\$122,472.14) payable to the minor Plaintiff and his *Guardian ad Litem* according to the terms set forth above in paragraph 1 and more fully in the *Settlement Agreement and Release*;

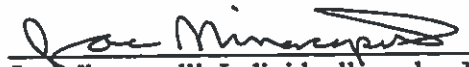
Payment of the aforesaid total sum of ONE HUNDRED TWENTY-TWO THOUSAND FOUR HUNDRED SEVENTY-TWO and 14/100 DOLLARS (\$122,472.14) constitutes and operates as a full, final and complete settlement, satisfaction, release, and discharge of any and all claims whatsoever which Plaintiffs, or any other person or persons operating by, for, or through Plaintiffs, may have against the Defendant, or any other person, corporation, or entity, on account of, or in any manner arising out of, or resulting from the matters and things referred to in the pleadings in this action; this order shall be and constitutes a perpetual bar to the institution or prosecution of any action or cause of action by or on behalf of the minor Plaintiff or any other person or persons claiming by, for, or through Plaintiffs, and resulting from the matters and things referred to in the pleadings in this matter; and the costs of this action shall be taxed against the Defendant.

This the 25th day of September, 2017.


DISTRICT COURT JUDGE PRESIDING
Talmage S. Baggett J.

WE CONSENT:


Tammie Minacapelli, Individually and as
Guardian ad Litem for
Nicholas Minacapelli


Joe Minacapelli, Individually and as Natural
Parent for Nicholas Minacapelli


C. Bruce Armstrong
Attorney for Plaintiffs


Mary M. Webb
Attorney for Defendant